

CERTIFIED TAX RATE CALCULATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill defines and modifies terms for purposes of calculating a taxing entity's certified tax rate.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of incremental value to include project areas created under Title 11, Chapter 58, Utah Inland Port Authority Act; Title 63H, Chapter 1, Military Installation Development Authority Act; and Title 63N, Chapter 2, Part 5, New Convention Facility Development Incentives; and
- ▶ defines related terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

59-2-924, as last amended by Laws of Utah 2018, Chapters 101, 368, and 415

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-2-924** is amended to read:

59-2-924. Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.

(1) As used in this section:

(a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

- 33 (ii) "Ad valorem property tax revenue" does not include:
34 (A) interest;
35 (B) penalties;
36 (C) collections from redemptions; or
37 (D) revenue received by a taxing entity from personal property that is semiconductor
38 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
39 Assessment.
- 40 (b) "Adjusted tax increment" means the same as that term is defined in Section
41 17C-1-102.
- 42 ~~[(b)]~~ (c) (i) "Aggregate taxable value of all property taxed" means:
43 (A) the aggregate taxable value of all real property a county assessor assesses in
44 accordance with Part 3, County Assessment, for the current year;
45 (B) the aggregate taxable value of all real and personal property the commission
46 assesses in accordance with Part 2, Assessment of Property, for the current year; and
47 (C) the aggregate year end taxable value of all personal property a county assessor
48 assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls
49 of the taxing entity.
- 50 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year
51 end taxable value of personal property that is:
52 (A) semiconductor manufacturing equipment assessed by a county assessor in
53 accordance with Part 3, County Assessment; and
54 (B) contained on the prior year's tax rolls of the taxing entity.
- 55 (d) "Base taxable value" means:
56 (i) for an authority created under Section 11-58-201, the same as that term is defined in
57 Section 11-58-102;
58 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
59 in Section 17C-1-102;
60 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
61 in Section 63H-1-102; or
62 (iv) for a host local government, the same as that term is defined in Section 63N-2-502.
- 63 ~~[(e)]~~ (e) "Centrally assessed benchmark value" means an amount equal to the highest

year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1, 2015, adjusted for taxable value attributable to:

(i) an annexation to a taxing entity; or

(ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property.

~~[(d)]~~ (f) (i) "Centrally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.

(ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

~~[(e)]~~ (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

~~[(f)]~~ (h) "Eligible new growth" means the greater of:

(i) zero; or

(ii) the sum of:

(A) locally assessed new growth;

(B) centrally assessed new growth; and

(C) project area new growth or hotel property new growth.

(i) "Host local government" means the same as that term is defined in Section 63N-2-502.

(j) "Hotel property" means the same as that term is defined in Section 63N-2-502.

(k) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.

(l) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.

~~[(g)]~~ (m) "Incremental value" means ~~[the same as that term is defined in Section~~

95 ~~17C-1-102.];~~

96 (i) for an authority created under Section 11-58-201, the amount calculated by
 97 multiplying:

98 (A) the difference between the taxable value and the base taxable value of the property
 99 that is located within a project area and on which property tax differential is collected; and

100 (B) the number that represents the percentage of the property tax differential that is
 101 paid to the authority;

102 (ii) for an agency created under Section 17C-1-201.5, the amount calculated by
 103 multiplying:

104 (A) the difference between the taxable value and the base taxable value of the property
 105 located within a project area and on which tax increment is collected; and

106 (B) the number that represents the adjusted tax increment from that project area that is
 107 paid to the agency;

108 (iii) for an authority created under Section 63H-1-201, the amount calculated by
 109 multiplying:

110 (A) the difference between the taxable value and the base taxable value of the property
 111 located within a project area and on which property tax allocation is collected; and

112 (B) the number that represents the percentage of the property tax allocation from that
 113 project area that is paid to the authority; or

114 (iv) for a host local government, an amount calculated by multiplying:

115 (A) the difference between the taxable value and the base taxable value of the hotel
 116 property on which incremental property tax revenue is collected; and

117 (B) the number that represents the percentage of the incremental property tax revenue
 118 from that hotel property that is paid to the host local government.

119 ~~(h)~~ (n) (i) "Locally assessed new growth" means the greater of:

120 (A) zero; or

121 (B) the amount calculated by subtracting the year end taxable value of real property the
 122 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
 123 adjusted for prior year end incremental value from the taxable value of real property the county
 124 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
 125 for current year incremental value.

(ii) "Locally assessed new growth" does not include a change in:

(A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another adjustment;

(B) assessed value based on whether a property is allowed a residential exemption for a primary residence under Section 59-2-103;

(C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or

(D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment Act.

~~(f)~~ (o) "Project area" means ~~[the same as that term is defined in Section 17C-1-102.];~~

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102; or

(iii) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102.

~~(f)~~ (p) "Project area new growth" means ~~[an amount equal to the incremental value that is no longer provided to an agency as tax increment.];~~

(i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;

(ii) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment; or

(iii) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation.

(q) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.

(r) "Property tax differential" means the same as that term is defined in Section 11-58-102.

(s) "Tax increment" means the same as that term is defined in Section 17C-1-102.

(2) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor and the commission the following statements:

157 (a) a statement containing the aggregate valuation of all taxable real property a county
158 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

159 (b) a statement containing the taxable value of all personal property a county assessor
160 assesses in accordance with Part 3, County Assessment, from the prior year end values.

161 (3) The county auditor shall, on or before June 8, transmit to the governing body of
162 each taxing entity:

163 (a) the statements described in Subsections (2)(a) and (b);

164 (b) an estimate of the revenue from personal property;

165 (c) the certified tax rate; and

166 (d) all forms necessary to submit a tax levy request.

167 (4) (a) Except as otherwise provided in this section, the certified tax rate shall be
168 calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the
169 prior year by the amount calculated under Subsection (4)(b).

170 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall
171 calculate an amount as follows:

172 (i) calculate for the taxing entity the difference between:

173 (A) the aggregate taxable value of all property taxed; and

174 (B) any adjustments for current year incremental value;

175 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
176 determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the
177 average of the percentage net change in the value of taxable property for the equalization
178 period for the three calendar years immediately preceding the current calendar year;

179 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product
180 of:

181 (A) the amount calculated under Subsection (4)(b)(ii); and

182 (B) the percentage of property taxes collected for the five calendar years immediately
183 preceding the current calendar year; and

184 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount
185 determined by:

186 (A) multiplying the percentage of property taxes collected for the five calendar years
187 immediately preceding the current calendar year by eligible new growth; and

(B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

(5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:

(a) except as provided in Subsection (5)(b), for a new taxing entity, the certified tax rate is zero;

(b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

(i) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and

(ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3(22); and

(c) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

(ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.

(6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more eligible judgments.

(b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax rate.

(7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

(i) the taxable value of real property:

(A) the county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the assessment roll;

(ii) the year end taxable value of personal property:

(A) a county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the prior year's assessment roll; and

(iii) the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property.

(b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.

(8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

(b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county auditor of:

(i) the taxing entity's intent to exceed the certified tax rate; and

(ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

(c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

(9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:

(i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and

(ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

(c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses

250 in accordance with Part 2, Assessment of Property, for the previous year.

251 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet
252 the requirement under Subsection (9)(a)(ii).

253 Section 2. **Retrospective operation.**

254 This bill has retrospective operation to January 1, 2020.